



# **FREDERICK COUNTY PLANNING COMMISSION**

**October 19, 2011**

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**TITLE:** Grant County Mulch

**FILE NUMBER:** SP 11-11 (AP #12127, APFO #12128 & FRO #12129)

**REQUEST:** Site Plan

The Applicant is proposing to occupy approximately 26,139 square feet of existing structures within a Limited Industrial facility for a wood waste recycling facility. The Applicant is not proposing any construction or alterations to the existing buildings on the 17.20-acre site.

On August 25, 2011, the Applicant received special exception approval to establish a wood waste recycling facility in the AG zone.

**PROJECT INFORMATION:**

**LOCATION:** Located in the northwestern quadrant of Buckeystown Pike (MD 85) and Manor Woods Road.  
**ZONE:** Zoned: Village Commercial (VC) Limited Industrial (LI) & Agricultural (AG)  
**REGION:** Adamstown  
**WATER/SEWER:** Private Well and Septic, NPS.  
**COMP. PLAN/LAND USE:** Village Commercial, Limited Industrial & Agricultural

**APPLICANT/REPRESENTATIVES:** (as applicable)

**APPLICANT:** Grant County Mulch, Inc.  
**OWNER:** Grant County Mulch, Inc.  
**ENGINEER:** Gary Castle & Associates  
**ARCHITECT:** Not Listed  
**ATTORNEY:** Andrew DiPasquale, Esq.

**STAFF:** Tolson DeSa, Principal Planner

**RECOMMENDATION:** Conditional Approval

**Enclosures:**

Exhibit #1-Site Plan Rendering  
Exhibit #2- BOA case #11-07 Findings and Decisions

# STAFF REPORT

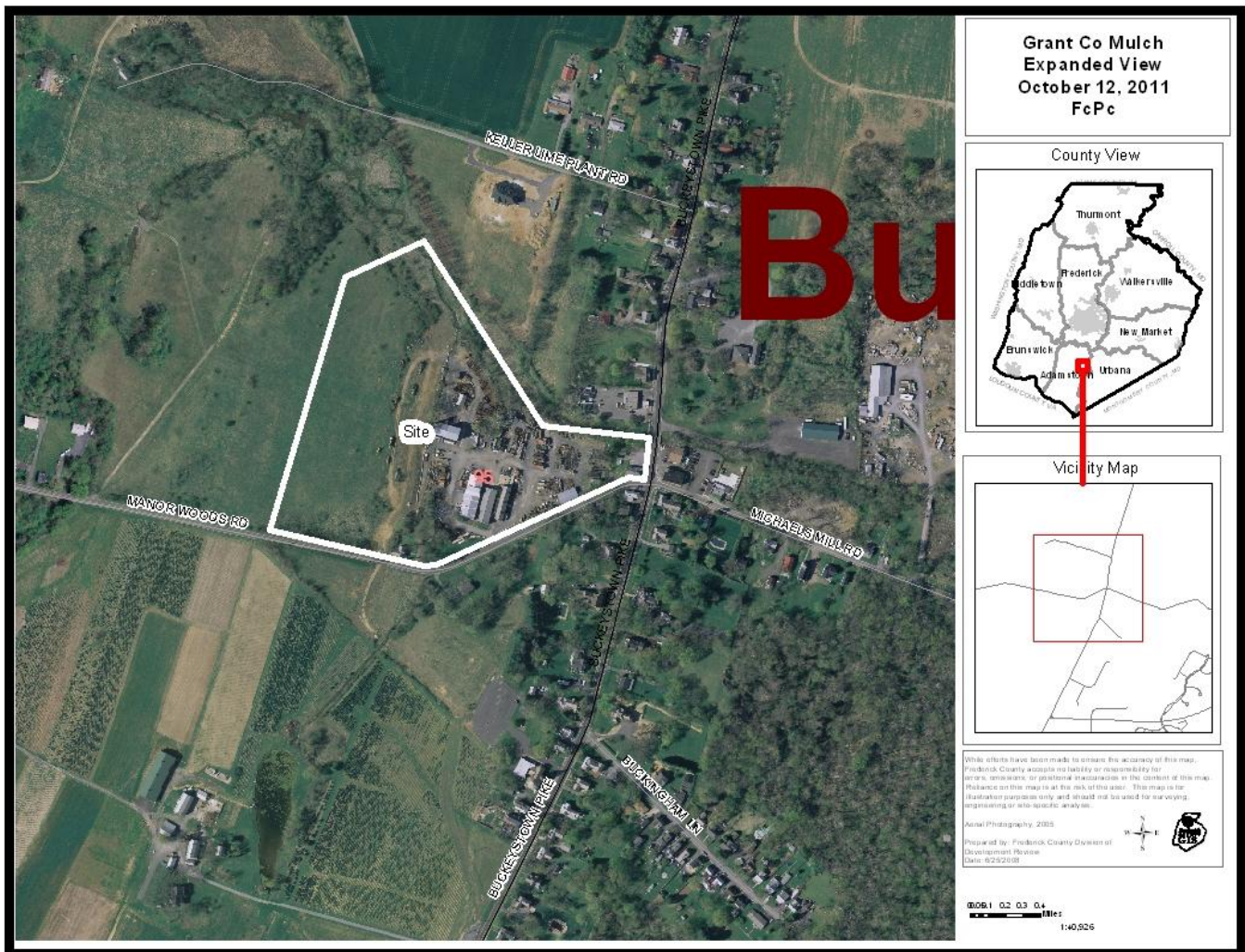
## BACKGROUND

### Present Proposal:

The Applicant is proposing to occupy approximately 26,139 square feet of existing structures within a Limited Industrial facility for a wood waste recycling facility. The Applicant is not proposing any construction or alterations to the existing buildings on site.

### Board of Appeals Approval:

On August 25, 2011, the Applicant received special exception approval to establish a wood waste recycling facility (mulch storage area) in the AG zone. The Findings and Decision in case #11-07 is attached as Exhibit #2.



## ANALYSIS

**Land Use:** The proposed use is being reviewed as a "Wood waste recycling facility" under *Solid Waste Operations* per §1-19-5.31 in the Zoning Ordinance and is a permitted use in the

**Grant County Mulch**

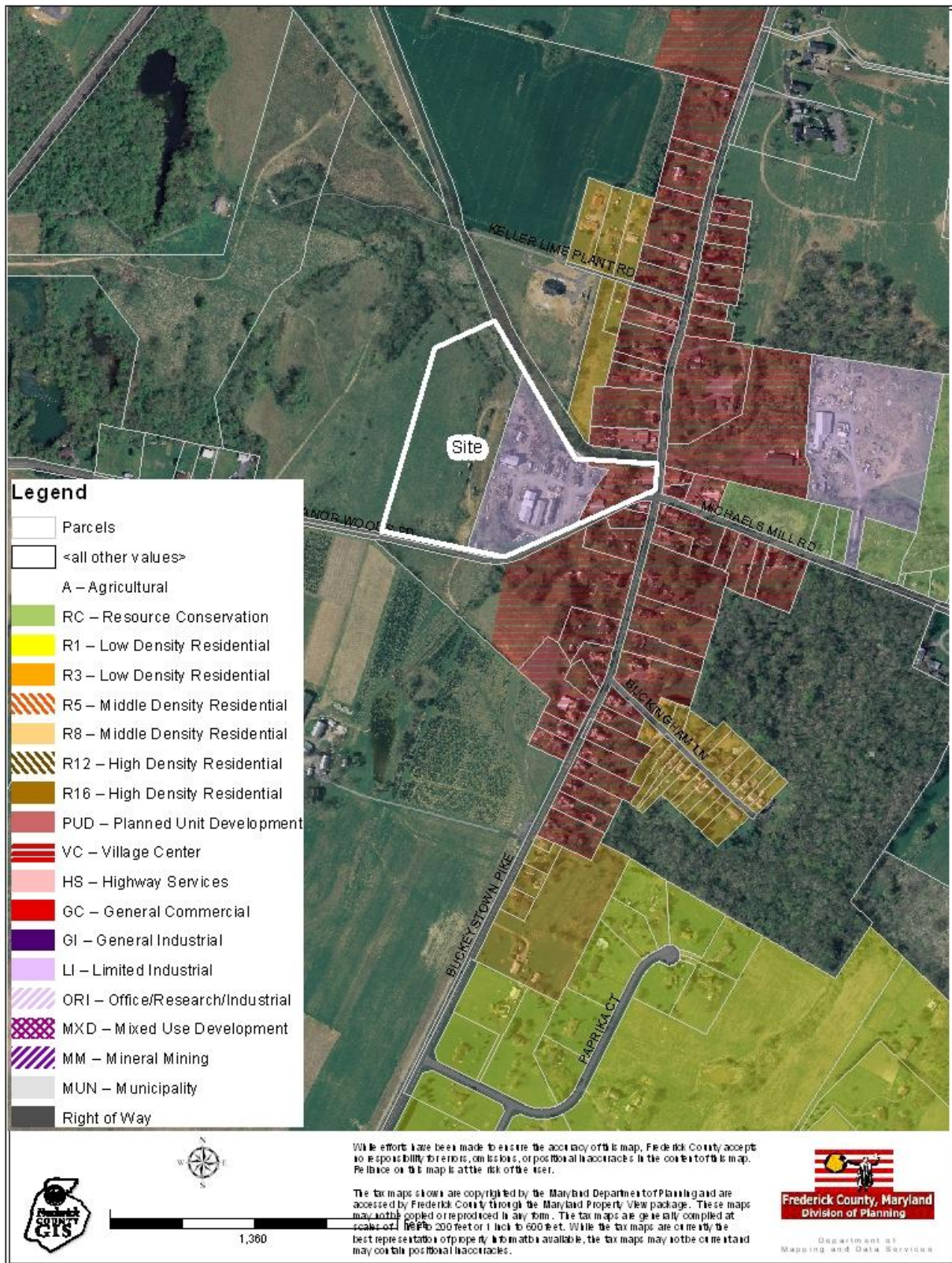
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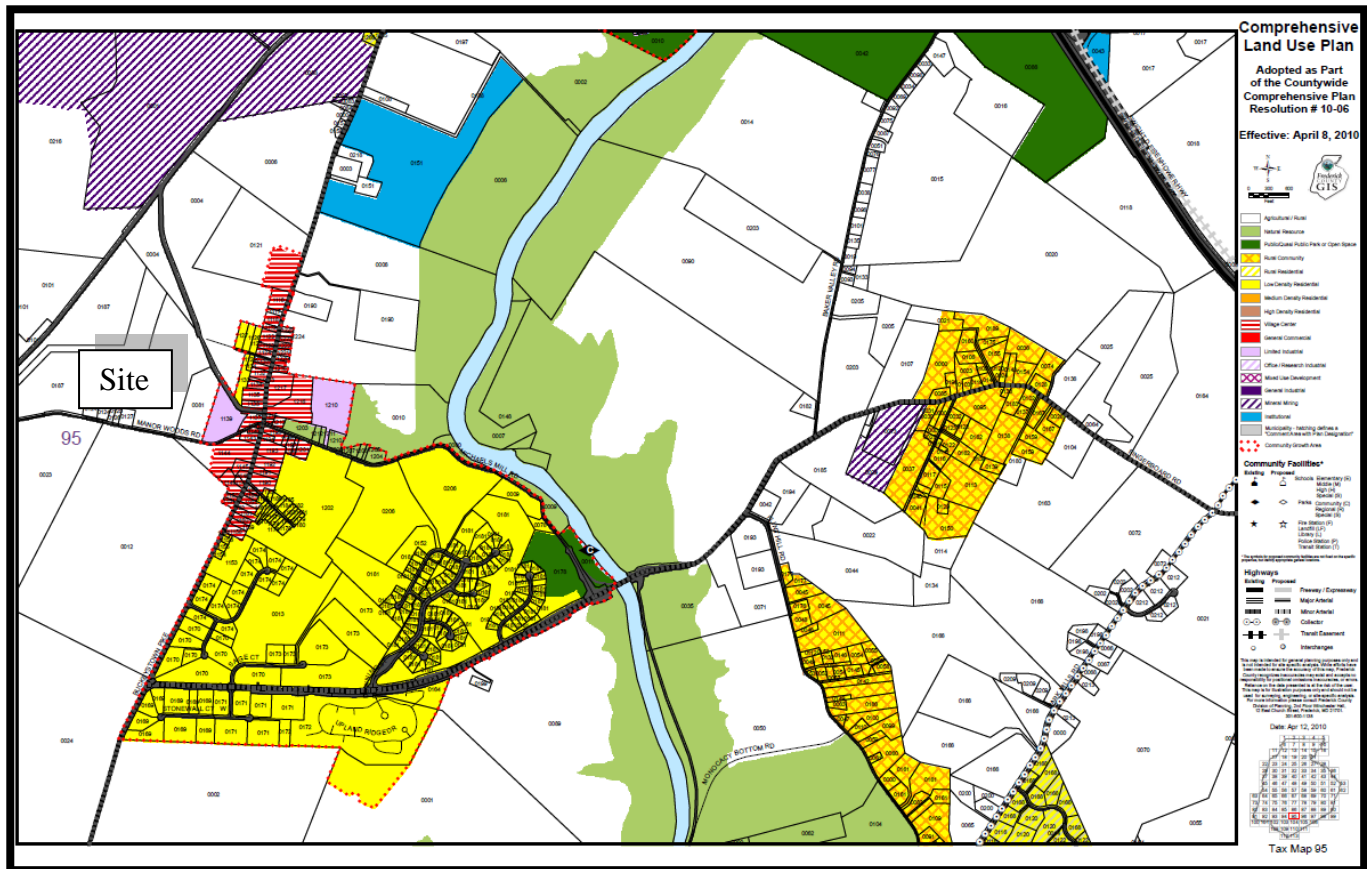
AG Zoning District subject to special exception approval by the Board of Appeals.

**Zoning:** The site is located within the Village Commercial (VC) Limited Industrial (LI) & Agricultural (AG), shown below.



## **Frederick County Comprehensive Plan: Adamstown Region**

The Frederick County Comprehensive Plan indicates that the land use for this property is Mixed Agricultural, Light Industrial and Village Commercial, shown below. The use proposed for the parcel complies with the Land Use designation within the County Comprehensive Plan.



**Dimensional Requirements/Bulk Standards:** Section §1-19-6.1 of the Zoning Ordinance stipulates the setback requirements and the minimum lot area for the proposed use. The setback requirements are 25-foot front yard and 20-foot rear yard, with 10-foot side yards. The maximum height allowed is 60 feet. The minimum lot size for the zoning district is 20,000 square feet. The proposed plan meets the Bulk/Dimensional requirements.

**Access/Circulation:** The access will be via the existing driveway onto MD 85.

**Public Transit:** This site is not served by Transit.

**Parking:** Pursuant to §1-19-6.220 of the Zoning Ordinance, 1 space is required for every two employees. Therefore, 16 employees require 8 spaces. Total parking spaces required are 8; the Applicant is proposing 16, including 1 ADA accessible space.

**Loading Area:** The required size and number of loading spaces are provided in §1-19-6.210 of the Zoning Ordinance. Under §1-19-6.210, the Applicant has to provide two large loading spaces. The Applicant has shown 2-large (12'x50') loading space to the rear of the 10,900 sq ft 2 story metal building.



**Landscaping:** The Applicant has worked with Staff in order to propose a substantial, landscape plan throughout this site. The landscaping contains a variety of plant species, which provide screening as well as aesthetics. The planting schedule follows the standard sizes that have been approved by the Planning Commission.

**Utilities:** The site is to be served by private well and septic and is classified W-5, S-5.

**Bicycle Parking:** The Applicant is not required to provide bicycle racks, due to the Light Industrial Zoning designation.

**Lighting:** The site will be lit via existing outdoor lights at the buildings consisting of wall mounted mercury vapor, 175 watt, dusk to dawn lights. One mast light 33' in height containing two, sodium iodine lights are located on the loading dock. Two pole mounted mercury vapor lights are located at the entrance as well as north of the brick building.

The Applicant has noted on the plan that lighting will not exceed 0.5 ft/candles at the periphery of the site and lighting will be directional onto the site through the use of shielding and lighting orientation.

**Signage:** The Applicant is not proposing any signage at this time.

**Adequate Public Facilities Ordinance (APFO):** This project is exempt from APFO.

- Roads: This site is expected to generate no more than 5 weekday peak hour trips than had ever previously been generated by a previous use and is therefore exempt from APFO testing for roads;
- Schools: This is a commercial use and therefore exempt from APFO testing for schools;
- DUSWME: This site is served by private well and septic and is therefore exempt from APFO.

**Forest Resource Ordinance (FRO):** The Applicant has noted on the plan that this site is exempt from FRO, because there is no earth disturbance.

#### **OTHER AGENCY COMMENTS**

<b><i>Other Agency or Ordinance Requirements</i></b>	<b><i>Comment</i></b>
<b><i>Development Review Engineering (DRE):</i></b>	Approved
<b><i>Development Review Planning:</i></b>	A few minor drafting issues noted in Hansen, in addition to items listed in the report.
<b><i>State Highway Administration (SHA):</i></b>	N/A. No access to state highways
<b><i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i></b>	Approved
<b><i>Health Dept.</i></b>	Approved
<b><i>Office of Life Safety</i></b>	Approved
<b><i>DPDR Traffic Engineering</i></b>	Approved
<b><i>Historic Preservation</i></b>	N/A.

## **FINDINGS**

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.

Staff has no objection to conditional approval of the site plan.

## **RECOMMENDATION**

Should the Planning Commission conditionally approve this Site Plan SP # 11-11 (AP# 12127, APFO 12129 & FRO 12128) for the proposed Grant County Mulch, the motion for approval should include the following item:

1. Site plan approval for a period of three years from today's date.

Staff recommends that the following item be added as a condition of approval:

1. Address all agency comments as the plan proceeds through completion.



**IN MATTER OF:**  
**Grant County Mulch**  
**c/o Andrew DiPasquale of**  
**Miles & Stockbridge, P.C.**

**Before the Board of Appeals**  
**for Frederick County MD**  
**Case No. B-11-07**

\* \* \* \* \*

**FINDINGS AND DECISIONS**

This matter comes before the Board on the application of Grant county Mulch represented by Andrew DiPasquale of Miles & Stockbridge, P.C. (hereinafter "Applicants") for a special exception as provided for in the Frederick County Zoning Ordinance (hereinafter "Ordinance"). The property (hereinafter "Property") for which the special exception is requested is located at 6720 Manor Woods Road, Buckeystown, MD and is further identified as Tax Map 95, Parcel 81. The Property is currently zoned Agricultural (AG), and is part of a larger track with two other parcels zoned Village Center (VC) and Limited Industrial (LI) totaling 17 acres. The Applicant seeks a special exception under Ordinance Sections 1-19-3.210 and 1-19-8.348 to establish a limited wood recycling facility in the Agricultural zoned portion of the property for the storage of mulch for packaging.

Under Ordinance Section 1-19-3.210(A) the Board finds that the Applicant has demonstrated a financial, contractual, or proprietary interest in the Property.

Under Ordinance Section 1-19-3.210(B) the Board finds:

1. The Applicant testified the proposed to be consistent with the purpose and intent of the Comprehensive Development Plan and of this chapter through adaptive re-use of the Property and creating jobs and revenue through diversified economy.
2. The Applicant testified the nature and intensity of the proposed use will be in harmony with the appropriate and orderly development of the neighborhood by maintaining the historic buildings on the Property, improving the aesthetic quality of the Property, and the natural topography of the site will reduce impact to the neighborhood.
3. The Applicant testified the proposed use shall not have an adverse effect on neighboring properties above and beyond those inherently associated with the special exception in the Agricultural zoning district due to a reduced operational impact, and other uses such as a nursery or a place of worship have a greater impact than the proposed use.
4. The Applicant testified no parking will be located in the Agriculturally zoned mulch storage area.
5. The Applicant testified the road system providing access to the proposed site is internal and adequate to serve the site. Traffic issues for the combined sites will be addressed with site development plan review.



Under Ordinance Section 1-19-8.348 *Solid Waste Operations*, The Board finds:

- A. The aggregate property for the proposed use is 17 acres.
- B. No new construction is planned for the proposed use.
- C. The Applicant will maintain all applicable valid federal, state and local permits.
- D. The Applicant testified that hours of operation would be 4am – 8pm, and external truck trips would be limited to 7 per day in the Agricultural zoned parcel.
- E. The Applicant shall comply with all applicable noise, dust, and other pollutant standards set forth by federal, state and local regulations and at a minimum in the Agricultural Zoning district shall comply with Ordinance Section 1-19-7.610 as it applies to the Limited Industrial (LI) district.
- F. The Applicant testified that the aggregate property has access to MD 85 which has an arterial classification, and Manor Woods Road which has a local classification but has been built to collector standards as designated on the Comprehensive Plan.
- G. The Property has a minimum of 80 feet of road frontage and is not accessed by a panhandle.
- H. The Applicant understands no Zoning Certificate will be issued by the Zoning Administrator until all applicable permits have been reviewed by the appropriate federal, state and local agencies and with the understanding that the issuance of the corresponding permits is only dependent upon the county issuance of the zoning certificate.
- I. The Applicant testified that the use and zoning shall correspond to the Comprehensive Plan Designation.
- J. The Applicant understands that petroleum, flammable liquid, or hazardous substance storage tanks will have 100% catchment basin, or double-walled containment and a spill protection overfill alarm. This does not apply to propane or natural gas tanks. The applicant has stated that no tanks will be installed on the property.
- K. The Applicant shall comply with Section 1-6-50 (Wellhead Protection Ordinance) at site plan approval.

The board understands that any potential floodplain issues will be addressed at site development plan review and permitting process.

The applicant is bound by all exhibits and testimony.

The Board held a public hearing on the requested special exception on August 25, 2011.

For all of the foregoing reasons, the Board of Appeals unanimously granted the Applicants request for special exception, on a motion from Mr. Bowersox, with the motion restated by Mr. Duke to approve the request on the basis that the Applicant met the criteria set forth in Ordinance

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Sections 1-19-3.210, 1-19-5.310, 1-19-8.348, and 1-19-11.100, which was seconded by Ms. Sepe with the following conditions:

1. The redacted contract be submitted to the Board.
2. Hours of operation will be 4am to 8pm for the Agriculturally zoned portion of the property.
3. Total number of trucks will be 7 per day for the Agriculturally zoned portion of the property.
4. Applicant is bound by all testimony.

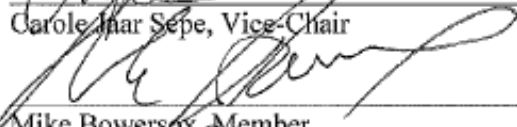
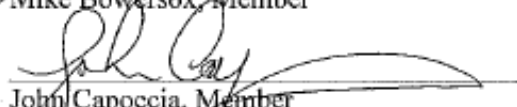
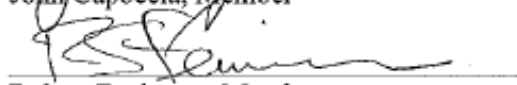
Adopted by the Board of Appeals on the 28<sup>th</sup> day of September, 2011.



Alan Duke, Chair



Carole Ann Sepe, Vice-Chair

  
Mike Bowersox, Member  
John Capoccia, Member  
Robert Fenimore, Member

Ordinance Section 1-19-3.210 (I)

A decision of the Board of Appeals granting a special exception will be void 5 years from date of approval by the Board of Appeals unless the use is established, a building permit issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.